

REMARKS

The Examiner's recognition of Applicants' invention by the allowance of claim 11 and the indication of allowable subject matter for claims 2-7, 9 and 10 is gratefully acknowledged.

Claim 1 is amended to recite that the guides include a plurality of spaced detents extending from a second wall toward the openings for engaging an outer sidewall of the oil cooler, a feature originally recited in claim 2, now cancelled.

The dependency of claims 3 and 7 is corrected following the cancellation of intervening claims.

Claim Rejection based upon le Gauyer

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,113,930, issued to le Gauyer in 1992.

Claim 1 is directed to Applicants' heat exchanger that includes guides for positioning the oil cooler in the tank. The guides comprise detents that extend from a second wall of the tank toward the openings to engage an outer sidewall of the oil cooler. As acknowledged in the Office Action, le Gauyer does not show detents in the wall of the tank opposite the openings for guiding the cooler into position. Therefore, le Gauyer does not anticipate or even suggest Applicants heat exchanger in claim 1.

Claim 8 is dependent upon claim 1 and so not taught or suggested by le Gauyer at least for the reasons set forth with regard to that claim.

Accordingly, it is respectfully requested that the rejection of the claims based upon le Gauyer be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

Claim 3-7, 9, and 10 were objected to as dependent upon a rejected base claim. In view of the amendments and remarks herein, it is believed that the claim 1 is now allowable. Accordingly, it is requested that the objection be withdrawn, and that all claims be allowed.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", is written over a horizontal line.

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